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Attorneys for Defendant  
PETER HE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

PETER HE,

Defendant.

Case No. CR 08-0238 MHP

**STIPULATION AND ~~PROPOSED~~  
ORDER FOR MODIFICATION OF  
PRETRIAL RELEASE ORDER**

In this proposed stipulated order, the parties jointly request that the Court modify Defendant Peter He's pretrial release conditions to allow him to travel to the Eastern District of California, to include a curfew, and to allow Mr. He to leave his home outside of his curfew with the prior approval of a pretrial services officer.

On February 13, 2009, the Court released Mr. He from custody with the condition of electronic home monitoring based on the joint request of the U.S. Attorney's Office and defense counsel.

The parties jointly request that the Court allow Mr. He to travel to the Eastern District of California.

The parties also jointly request that the Court impose a curfew of 8:00 p.m. on Mr. He and

that he be allowed to leave his home anytime between the hours of 6:00 a.m. and 8:00 p.m. to facilitate Mr. He's contact with the community, ability to seek gainful employment, and to meet with defense counsel. The parties also request that Mr. He be allowed to leave his home after 8:00 p.m. and prior to 6:00 a.m., with prior approval from a pretrial services officer.

Mr. Rich Sarlatte, Mr. He's pretrial services officer, has no objection to the implementation of a curfew and to Mr. He's ability to leave his home between the hours of 8:00 p.m. and 6:00 a.m. with prior approval from a pretrial services officer. Mr. Sarlatte also has no objection to Mr. He's travel to the Eastern District of California.

IT IS SO STIPULATED:

Dated: March 11, 2009

CLARENCE & DYER LLP

/s/: Edwin K. Prather

EDWIN K. PRATHER  
Attorneys for Defendant Peter He

Dated: March 11, 2009

JOSEPH P. RUSSONIELLO  
United States Attorney

/s/: Owen Martikan

OWEN MARTIKAN  
Assistant United States Attorney

**[PROPOSED] ORDER**

Therefore, for good cause shown, the Court should modify Mr. He's terms and conditions of pretrial release to allow him to leave his home between the hours of 6:00 a.m. and 8:00 p.m. Mr. He's terms and conditions of pretrial release should also be modified to allow him to leave his home between the hours of 8:00 p.m. and 6:00 a.m. with the prior approval of a

1 pretrial services officer. The Court should also modify Mr. He's terms and conditions of pretrial  
2 release to allow him to travel to the Eastern District of California.

3  
4  
5 IT IS SO ORDERED.

6 Dated: March 12, 2009



**PROOF OF SERVICE**

I, Stephanie Chan, declare as follows:

I am over eighteen years of age and not a party to the within action; my business address is 899 Ellis Street, San Francisco, California 94109; I am employed in the County of San Francisco.

On March 12, 2009, I served a copy, with all exhibits, of the following documents:

**• STIPULATION AND [PROPOSED] ORDER FOR MODIFICATION OF  
PRETRIAL RELEASE ORDER**

   X    (BY FAX) By transmitting by facsimile machine to the number addressed as below; the facsimile machine I used complied with California Rules of Court, rule 2003 and no error was reported by the machine. Pursuant to California Rules of Court, rule 2006(d), I caused the machine to print a transmission record of the transmission.

   X    (BY ELECTRONIC SERVICE) I caused an electronic delivery subject to 28 U.S.C ¶1746, Local Rules or General Orders of this Court regarding Electronic Case Filing. All pleadings and papers must be electronically served in accordance with those Rules or General Orders with email address(es) as noted below:

*Via Electronic Mail*

Owen P. Martikan  
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*Via Facsimile*

Rich Sarlatte  
United States Pretrial Services  
450 Golden Gate Avenue, 18<sup>th</sup> Floor  
San Francisco, CA 94102  
Fax: (415) 436-7517

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct and that this declaration was executed on the above stated date.

          /s/: Stephanie Chan            
Stephanie Chan